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REMARKS

Claims 1-39 and 41 are currently pending in the subject application and are presently under consideration. Claim 40 has been cancelled herein. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments below.

**I. Rejection of Claims 27-38 and 41 Under 35 U.S.C. §101**

Claims 27-38 and 41 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Withdrawal of this rejection is respectfully requested for at least the following reasons. The subject claims are directed to an information retrieval system/methodology, and produce useful, concrete and tangible results.

Because the claimed process applies the Boolean principle [abstract idea] *to produce a useful, concrete, tangible result* ... on its face the claimed process comfortably falls within the scope of §101. *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1358. (Fed. Cir. 1999) (Emphasis added); *See State Street Bank & Trust Co. v. Signature Fin. Group, Inc.*, 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601 (Fed.Cir.1998). The inquiry into patentability requires an examination of the contested claims to see if the claimed subject matter, as a whole, is a disembodied mathematical concept representing nothing more than a "law of nature" or an "abstract idea," or if the mathematical concept has been *reduced to some practical application rendering it "useful."* *AT&T* at 1357 citing *In re Alappat*, 33 F.3d 1526, 31 1544, 31 U.S.P.Q.2D (BNA) 1545, 1557 (Fed. Cir. 1994) (Emphasis added) (holding that more than an abstract idea was claimed because the claimed invention as a whole was directed toward forming a specific machine that produced the useful, concrete, and tangible result of a smooth waveform display).

Contrary to the assertions made in the Office Action, the subject claims provide for a useful invention as disclosed in applicants' specification. Independent claim 27 (and claims 28-38 dependent therefrom), and independent claim 41 recite acts that manipulate data for retrieval of information, and a signal transmitted among components for such a system, respectively. The subject specification provides ample examples of practical applications

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along with satisfactory explanations illustrating the usefulness of such information retrieval methodology and system, such as; "the present invention relates to a system and methodology to *facilitate improved search and retrieval of information*", (See specification at p. 3, lines 9-11), "The present claimed invention *improves system speed and accuracy* over conventional search systems" (Specification at p. 8 lines 10-15). Likewise, independent claim 39 is directed to an information retrieval system and recites "means for" elements, with the specification describing physical embodiments of the elements performing the "means for" function. (See specification at p. 17.)

In view of at least the above, it is readily apparent that the claimed invention reduces to a practical application that produces a useful, concrete, tangible result. Thus, the subject claims satisfy the utility requirement of 35 U.S.C. §101, and this rejection should be withdrawn.

## II. Rejection of Claims 1, 22, 23, 26, 27, 39 and 41 Under 35 U.S.C. §102(b)

Claims 1, 22, 23, 26, 27, 39 and 41 stand rejected under 35 U.S.C. §102(b) as being anticipated by Horvitz *et al.* (US Patent 6,021,403). Withdrawal of this rejection is respectfully requested for at least the following reasons. Horvitz *et al.* does not disclose the claimed invention.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2USPQ2d 1051, 1053 (Fed. Cir. 1987)).

The subject invention as claimed relates to an information retrieval system that comprises a hierarchal *analysis component* and an *interactive component*. The hierarchal analysis component receives a query and thereupon processes probabilities associated with N categories and topics, while the interactive component provides *feedback* at various levels, which are utilized to determine a category and to facilitate

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retrieval of the search. Such aspects of applicants' claimed invention is not taught by Horvitz *et al.*

Rather, Horvitz *et al.* is directed to a novel user assistance facility for a software program that assists a user in the software's operation. Horvitz *et al.*'s *inference system* analyzes modeled events - which discriminates among alternate difficulties and needs for assistance that a person may have in using the basic functionality of the software program - to form and evaluate multiple hypotheses of what assistance the user may need. Such is not the hierarchical analysis and the interactive component of applicants' claimed invention, wherein a user can for example retrieve information without having to understand which word or phrase combinations are necessary to acquire information on a given subject; - *e.g.* based upon a user's response, the user is presented with the most likely area of interest in subsequent dialog feedback to further refine the search, without having to peruse unrelated information. This creates a modular and coherent structure that enables developers to modularize tasks within categories and topics. Thus, tedious and time-consuming relationships do not have to be predetermined between all topics and categories.

In view of the at least above comments it is readily apparent that Horvitz *et al.* does not anticipate the subject invention as recited in independent claim 1, claims 22, 23, 26 dependent therefrom, independent claims 27, 39, 41, and this rejection should be withdrawn.

### **III. Rejection of Claims 1-4, 6-13, 15-41 Under 35 U.S.C. §102(e)**

Claims 1-4, 6-13, 15-41 stand rejected under 35 U.S.C. §102(e) as being anticipated by Johnson *et al.* (US Patent 6,567,805). Withdrawal of this rejection is respectfully requested for at least the following reasons. As explained *supra*, applicants' claimed invention employs an interactive component that provides *feedback* at various levels to facilitate a search. For example, based upon a user's response, the user is presented with the most likely area of interest in a subsequent dialog feedback to further refine the search, *without having to peruse unrelated information*. Independent claim 1

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recites an *interactive component* that provides *feed back* [...] *utilized to determine* [...] *one category* [...]. Similar limitations are recited in independent claims 25, 27, 39, 41.

Such aspects of the claimed invention are not taught or suggested by Johnson *et al.* Rather, Johnson *et al.* is directed to a response system providing a user with a communication that either; *satisfies* the query from the user, or provides *a list ranked by category*, e.g. the user will select a topic and related subtopics are provided to the user and the user *has to peruse* the presented ranked list to find the desired results. Such is not providing *feedback via an interactive component* to further disambiguate the search query, as in applicants' claimed invention, wherein for example based upon a user's response, the user is presented with the most likely area of interest in subsequent dialog feedback to further refine the search, *without* having to peruse unrelated information. In view of the at least above comments it is readily apparent that Johnson *et al.* does not teach or suggest the subject invention as recited in independent claim 1 (and claims 2-4, 6-13, 15-26 dependent therefrom), independent claim 27 (and claims 28-38 dependent therefrom), independent claim 39, independent claim 41, and this rejection should be withdrawn.

#### IV. Rejection of Claim 5 Under 35 U.S.C. §103(a)

Claim 5 stands rejected under 35 U.S.C. §103(a) as being obvious over Johnson *et al.* Withdrawal of this rejection is respectfully requested for at least the following reasons. Claim 5 depends from independent claim 1, and as discussed *supra* Johnson *et al.* does not teach or suggest applicants' invention as recited in claim 1, and this rejection should be withdrawn.

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**V. Rejection of Claim 14 Under 35 U.S.C. §103(a)**

Claim 14 stands rejected under 35 U.S.C. §103(a) as being obvious under Johnson *et al.*, in view of Herz *et al.* (US Patent 5,835,087). Withdrawal of this rejection is respectfully requested for at least the following reasons. Claim 14 depends from independent claim 1 and Herz *et al.* does not make up for the aforementioned deficiencies of Johnson *et al.* with respect to claim 1. Accordingly, the combination of Johnson *et al.* and Herz *et al.* does not make obvious applicants' invention as recited in the subject claim; and this rejection should be withdrawn.

**Conclusion**

The present application is believed to be condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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